

**DATE:** October 19, 2007

**TO:** Planning Commission

**SUBJECT:** COUNTRY HILLS CONDOMINIUM CONVERSION; TENTATIVE MAP  
TM 5414, VALLE DE ORO COMMUNITY PLANNING AREA (District: 2)

**SUMMARY:**

**Overview**

The proposed project is the conversion of 676 apartment units to 676 condominium units on a 29.3-acre site in the Valle de Oro Community Plan area. The apartment complex was approved under Major Use Permit P84-072. The General Plan Regional category is Current Urban Development Area. The General Plan Land Use Designation is (21) Specific Plan Area which is covered by the Cottonwood Village Specific Plan (Cottonwood III Subarea). The site is zoned RU29 (Urban Residential) with a density of 29 dwelling units per net acre. The project is located at 2450 Hilton Head Place & Hilton Head Road. Access to the site is from Hilton Head Road, Hilton Head Place, and Hilton Head Court.

**Recommendation(s)**

**DEPARTMENT OF PLANNING AND LAND USE:**

Adopt the Resolution approving TM 5414 that makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State Law (Attachment B).

**Fiscal Impact**

NA

**Business Impact Statement**

NA

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**Advisory Board Statement**

NA

**Involved Parties**

Owner: ConAm San Diego Residential Properties Joint Venture; Representative: Carol Fox, ConAm San Diego Residential Properties Joint Venture  
See Ownership Disclosure in Attachment E

**BACKGROUND:**

The proposal is for the conversion of 676 apartment units to 676 condominium units on a 29.3-acre site in the Valle de Oro Community Plan area. The project is located at 2450 Hilton Head Place and Hilton Head Road. The existing apartment complex was approved under Major Use Permit P84-072—a requirement of the Cottonwood Village Specific Plan. A previous condominium conversion was approved on December 19, 1985 under TM 4568, but the permit was allowed to expire. Copies of the Major Use Permit and expired TM 4568 are provided in Attachment A.

The proposed project contains 208 one-bedroom units, 361 two-bedroom units, and 107 three-bedroom units within 37 buildings. The project will provide 1,108 parking spaces on-site and 91 parking spaces on-street for a total of 1,199 parking spaces. Currently, all parking spaces are unassigned and may be shared between occupants and guests. With the condominium conversion, many of the on-site spaces will be assigned with the remaining spaces to be shared between occupants and guests. All of the 91 on-street parking spaces are considered to be guest spaces. The on-site parking consists of perpendicular parking along the interior private driveways providing access to the residential buildings. The on-street parking consists of parallel parking along Hilton Head Road, Hilton Head Court, and Hilton Head Place. Six hundred seventy-six (676) of the on-site parking spaces are covered. The remaining spaces are uncovered. Access to the site is from Hilton Head Road, Hilton Head Court, and Hilton Head Place. Sewer and water service will be provided by the Otay Water District.

Because of the large site, most units within the project are surrounded by other multi-family residential units. Land surrounding the site is characterized by single-family residential, park, open space, institutional, and commercial use as set forth in the Cottonwood Village Specific Plan. The Cottonwood Village Specific Plan was adopted on February 26, 1978. An amendment to the Cottonwood Village Specific Plan and Cottonwood III Subarea was adopted in December 1982. A land use map for the Cottonwood Village Specific Plan showing the Cottonwood III Subarea is provided in Attachment A. Uses bordering the project include the California Department of Forestry Headquarters to the north, Cottonwood County Park to the south, single-family units and open space to the east, and a retail commercial center to the west.

**PROJECT ISSUES:**

**Private Usable Open Space:**

The “F” Designator requires 100 square feet of private usable open space per unit and 150 square feet of group usable open space per unit. The existing apartment complex was constructed with

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approximately 76 square feet of private usable open space per unit and approximately 270 square feet of group usable open space per unit. The deficit in private usable open space was cited by the Valle de Oro Community Planning Group in their recommendation to deny the project.

At DPLU's request, the applicant prepared an analysis to determine the feasibility of bringing the project into compliance with the private usable open space requirements (see letter from Flores Lund Consultants, Attachment A). Because the project contains 338 upper units and 338 lower units the analysis covered both balcony and ground level deck expansions. The analysis determined that the cost of retrofitting each unit with additional balconies or ground level decks would range from \$20,000 to \$40,000 per unit or \$13,520,000 to \$27,040,000 for the entire project. This amount includes associated costs for seismic code compliance. With respect to the ground level patios, the applicant's engineer has identified a number of physical hindrances that would result, including: walkway and unit access closures due to patio proximity to sloped topography; ADA conflicts with stairwells and walkways, reduction of required distance between buildings and for entryways; and aesthetic impacts due to the addition of new supports, modifications in stair access points, removal of established landscaping, and relocation of external walkways. Additionally, the applicant suggests that the retrofit would be highly disruptive to the present occupants, especially considering the modest gain in private usable open space. Photographs of the existing private usable open space are provided in Attachment A. Staff notes that the project provides a surplus of high amenity group usable open space which includes four pools, four tennis courts and two barbeque areas. It is reasonable to assume that the surplus group usable open space, which provides at least some overlapping benefits, would, at a 1.8:1 ratio, provide adequate compensation for the private open space deficit. The group usable open space is augmented by an approximately ten-acre County Park bordering the southern property line. The park is a designated recreational amenity of the Cottonwood Village Specific Plan. The project site has direct access to the park site.

**Parking:**

Major Use Permit P84-072 as well as approved building plans indicates that the project was approved with 1,197 parking spaces. According to the applicant, the number of on-site spaces was reduced to provide room for ADA compliant spaces - a requirement that became apparent after Major Use Permit P84-072 was approved. The current plans show 1,108 parking spaces on-site and 91 spaces on-street which provides two more parking spaces than required by Major Use Permit P84-072. The existing parking deficit will be made up through the provision of 25 additional spaces.

**Consistency with Valle de Oro Community Plan Housing Goals:**

The Valle de Oro Community Plan Housing Element contains a goal to "Support a distribution of housing by structure type, cost, design and tenure to ensure that households of all socio-economic groups are able to obtain housing within an adequate living environment." This goal was cited by the Valle de Oro Community Planning Group (VDOCPG) in their recommendation to deny the project (see Attachment D). The VDOCPG maintains that the conversion of 676 apartment units would result in the loss of nearly half of the apartment units currently available for rental by families with children in the Rancho San Diego community. The VDOCPG also states that the conversion project would affect Section 8 and young military families and that the

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original financing conditions required that a percentage of the units be set aside with affordable rents for low-income families.

Staff notes that the proposed condominium subdivision would reduce the current supply of multi-family rental housing in Valle de Oro Community and increase the supply of multi-family ownership housing. Both types of housing address the housing needs of specific, and in some cases overlapping, socio-economic groups within the community.

The Housing Element goal does not provide any quantifiable standards or guidelines with which to determine how a change in housing type affects the desired distribution by structure type, cost, design and tenure. Additionally, the Cottonwood Village Specific Plan designates the site for multi-family housing and does not contain any goal or policy with regard to maintaining a minimum level of rental units. A consistency analysis in the Cottonwood Village Specific Plan, comparing the Specific Plan to the Valle de Oro Community Plan, provides the following statement in response to the above mentioned housing element goal: "Implementation of the Cottonwood Village Specific Plan will provide housing for 1,972 families. Estate, single-family, duplex, and multiple units are proposed within the development, thus providing a variety of housing types geared to most income and social groups."

According to the County Department of Housing and Community Development, the original apartment project was financed with tax exempt bonds. As a condition of the bonds, rental restrictions geared towards maintaining affordability levels for households earning 50% of the median income and 80% of the median income were placed on some of the units. Those bonds were paid off and all rental restrictions ended in 2003. According to County Housing and Community Development, there are currently 19 households within the project taking advantage of Section 8 rental subsidies. The existing Major Use Permit P84-072 does not contain any requirements to require affordable housing and does not restrict the conversion of apartments to condominium units.

The overriding consideration is that the project remains a multi-family residential development which complies with the use type and density in the County General Plan, the Valle de Oro Community Plan, the Cottonwood Village Specific Plan (Cottonwood III Subarea) and County zoning regulations. Absent any specific guidance for preserving rental housing, staff finds that the project is at least minimally consistent with the housing goals of the Valle de Oro Community Plan.

For a complete discussion of the project, see the Land Use Analysis, Attachment F.

**ENVIRONMENTAL STATUS:**

The project qualifies for a CEQA Exemption under Section 15182: Residential Projects Pursuant to a Specific Plan, which states that no Environmental Impact Report (EIR) or Negative Declaration needs to be prepared for a residential project undertaken pursuant to and in conformity to a Specific Plan that has an approved EIR. This section is subject to the limitations described in Section 15162 of CEQA. According to Section 15162(a) of the State CEQA Guidelines, when an EIR has been certified for a project, no subsequent EIR shall be prepared

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for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following: (1) Substantial changes are proposed which will require major revisions of the previous EIR, (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR, (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous EIR was certified as complete. Review of 15162 findings determined that no change in circumstances have occurred to warrant a subsequent document.

**PREVIOUS ACTIONS:**

NA

**ACTIVITIES UNDERTAKEN WITHOUT APPROPRIATE PERMITS:**

NA

**PUBLIC INPUT:**

On January 4, 2005, the Valle de Oro Community Planning Group voted 8-1-4 to recommend denial of the project. The issues raised in the planning group's recommendation have been summarized under Project Issues (above). See Attachment D for the comment letter submitted by the Planning Group.

**DEPARTMENT REASONS FOR RECOMMENDATION:**

1. The project, as proposed, is consistent with the (21) Specific Plan, Land Use Designation of the General Plan because it proposes residential uses consistent with the use and density specified in the Cottonwood Village Specific Plan.
2. The project, as proposed, is consistent with the Valle de Oro Community Plan because it proposes residential uses in an area designated for residential uses by the Cottonwood Village Specific Plan.
3. The project, as proposed, is consistent with the RU29 Use Regulation because it proposes a multi-family attached residential use which is a permitted use.
4. The Tentative Map as proposed complies with all the required findings of the Subdivision Map Act and County Subdivision Ordinance as described and incorporated in the attached Resolution, Attachment B.
5. The project complies with the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines because the project is categorically exempt from CEQA and a Notice of Exemption has been prepared for filing.

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cc: Carol Fox, ConAm San Diego Residential Properties Joint Venture, 3990 Ruffin Road,  
Suite 100, San Diego, CA 92123-1826  
Ken Wright, Pountney Psomas, 4455 Murphy Canyon Road, Ste. 200, San Diego, CA  
92123  
Barry Beech, DPW Project Manager, Department of Public Works, M.S. O336  
Joe Farace, Planning Manager, Department of Planning and Land Use, M.S. O650  
Lisa Robles, Case Closure, Department of Planning and Land Use, M.S. O650  
Carl Hebert, Case Tracking System, Department of Planning and Land Use, M.S. O650

**ATTACHMENTS:**

Attachment A – Planning Documentation  
Attachment B – Resolution Approving TM 5414  
Attachment C – Environmental Documentation  
Attachment D – Public Documentation  
Attachment E – Ownership Disclosure  
Attachment F – Land Use Analysis

**CONTACT PERSON:**

Joseph Farace

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Phone

858-694-3373

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E-mail

**AUTHORIZED REPRESENTATIVE:**

ERIC GIBSON, INTERIM DIRECTOR

PC07\10-19\TM5414-LTR;jcr

# ADDITIONAL INFORMATION CASE SHEET

## **APPLICATION**

Meeting Date: 10-19-07

Type: Tentative Map	Case No. TM 5414
Owner/Applicant: ConAm San Diego Residential Properties Joint Venture Agent: Ken Wright, Pountney Psomas	ENVIRONMENTAL STATUS: Notice of Exemption
Project Manager: Farace	Analyst: NA
Account No. 04-0034078	Log No. NA

## **SITE/PROJECT DESCRIPTION**

Community: Valle de Oro	Location: 2450 Hilton Head Place & Hilton Head Road (APN: 518-211-11 & 12)	Thomas Bros.: 1272/A5, B4, B/5
Project: Conversion of 676 apartment units to 676 condominium units.		
Site: Site is developed with 676 apartment units, driveways, parking areas, open space and recreation areas and landscaping.		
SURROUNDING LAND USES & ZONING: <u>North</u> : Public-Institutional & Open Space (California Dept. of Forestry Hdq.) S90 & S80	<u>South</u> : Park & Commercial (Cottonwood III County Park) S80 & C36	<u>East</u> : Single-Family Residential and Open Space RS7 & S80
		<u>West</u> : Commercial C36

## **PROJECT STATISTICS**

Total Area: 29.3 acres	Proposed Density: 23.1 du/acres (no change)																					
Lot Size: NA/Condominium Subdivision	Number of Lots/Units: 676																					
<table border="0"> <tr> <td><u>DISTRICT</u></td> <td><u>NEAREST FACILITY</u></td> <td><u>SERVICE LETTER AVAILABILITY</u></td> </tr> <tr> <td>Sanitation: Otay Water District</td> <td></td> <td>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></td> </tr> <tr> <td>Water: Otay Water District</td> <td></td> <td>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></td> </tr> <tr> <td>Fire: San Miguel Consolidated Fire Protection District</td> <td></td> <td>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></td> </tr> <tr> <td>Elementary School: El Cajon Valley Union School District</td> <td></td> <td>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></td> </tr> <tr> <td>High School: Grossmont Union High School District</td> <td></td> <td>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></td> </tr> <tr> <td>Sphere of Influence: None</td> <td></td> <td></td> </tr> </table>		<u>DISTRICT</u>	<u>NEAREST FACILITY</u>	<u>SERVICE LETTER AVAILABILITY</u>	Sanitation: Otay Water District		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Water: Otay Water District		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Fire: San Miguel Consolidated Fire Protection District		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Elementary School: El Cajon Valley Union School District		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	High School: Grossmont Union High School District		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Sphere of Influence: None		
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## **GENERAL PLAN**

## **ZONING**

Community/Subregion: Valle de Oro Designation/Density: (21) Specific Plan	Existing: RU29 Proposed: RU29
Regional Category: CUDA Project/Plan Conformance: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Minimum Lot Size: 1 acre Maximum Density: 29 du/ac. Project/Zone Consistency: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

October 19, 2007

RESOLUTION OF SAN DIEGO COUNTY)  
APPROVING CONDITIONS FOR )  
TENTATIVE MAP NO. TM 5414 )

WHEREAS, Tentative Map No. 5414 proposing the division of property located at 2450 Hilton Head Place and & Hilton Head Road and generally described as:

Real Property in the Unincorporated area of the County of San Diego, State of California, described as follows:

Parcel A: All of Lots 3, 4, 5, 6 and portion of Lots 7 and 8 and that portion of Jamacha Road to be vacated, as shown on that certain County of San Diego Tract 4352-1; in the County of San Diego, State of California, filed as Map No. 11040 in the Office of the County Recorder of San Diego County, September 19, 1984

Parcel B: All of Lot 9 and portion of Lots 7 and 8 as shown on that certain County of San Diego Tract 4352-1 in the County of San Diego, State of California, filed as Map No. 110040, in the Office of County Recorder of San Diego County, State of California, September 19, 1984

was filed with the County of San Diego pursuant to the Subdivision Map Act and San Diego County Subdivision Ordinance on January 22, 2007; and

WHEREAS, on October 19, 2007, the Planning Commission of the County of San Diego pursuant to Section 81.307 of the San Diego County Subdivision Ordinance held a duly advertised public hearing on said Tentative Map and received for its consideration, documentation, written and oral testimony, recommendations from all affected public agencies, and heard from all interested parties present at said hearing; and

WHEREAS, the Planning Commission of the County of San Diego has determined that the conditions hereinafter enumerated are necessary to ensure that the subdivision and the improvement thereof will comply with the Subdivision Map Act and conform to all ordinances, plans, rules, standards, and improvement and design requirements of San Diego County.

IT IS RESOLVED, THEREFORE, that the Planning Commission of the County of San Diego hereby makes the following findings as supported by the minutes, maps, exhibits, and documentation of said Tentative Map all of which are herein incorporated by reference:

1. The Tentative Map complies with the provisions of the State Subdivision Map Act and the Subdivision Ordinance of the San Diego County Code;



2. The Tentative Map is consistent with the Zoning Ordinance because it proposes a Residential use type in the RU29 Residential Urban Use Regulation;
3. The design and improvements of the proposed subdivision comply with the provisions of the State Subdivision Act and the Subdivision Ordinance of the San Diego County Code;
4. The discharge of sewage waste from the subdivision into the Otay Water District sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6;
5. It is hereby found that the proposed project is exempt from the California Environmental Quality Act as specified under Section 15162(a) of the State CEQA Guidelines for the reasons detailed in the Notice of Exemption Form dated October 3, 2007 on file with DPLU.
6. It is hereby found that the project proposed by the application has prepared plans and documentation demonstrating compliance with the provisions of the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance."

IT IS FURTHER RESOLVED, DETERMINED, AND ORDERED, that based on these findings, said Tentative Map is hereby approved subject to the following conditions:

- A. The approval of this Tentative Map expires 36 months from the date of this resolution, unless prior to that date an application for a Time Extension has been filed and subsequently approved as provided by Section 81.308 of the County Subdivision Ordinance.

**PLEASE NOTE: Condition compliance, preparation of grading and improvement plans and final mapping may take a year or more to complete. Applicants are advised to begin this process at least one year prior to expiration of this Tentative Map.**

PLEASE NOTE: Time Extension requests cannot be processed without updated project information including new Department of Environmental Health certification of septic systems. Since Department of Environmental Health review may take several months, applicants anticipating the need for Time Extensions for their projects are advised to submit applications for septic certification to the Department of Environmental Health several months prior to the expiration of their Tentative Maps.

- B. The "Standard Conditions for Tentative Subdivision Maps" approved by the Board of Supervisors on June 16, 2000, and filed with the Clerk as Resolution No. 00-199, shall be made conditions of this Tentative Map approval. Only those exceptions to the Standard Conditions set forth in this Resolution or shown on the Tentative Map will be authorized.
- C. The following conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County (and, where specifically, indicated, shall also be complied with prior to issuance of grading or other permits as specified):

## PLANS AND SPECIFICATIONS

### (Street Improvements and Access)

- 1. Standard Conditions 2, 8, and 11.
- 2. Specific Conditions:
  - a. Provide a certification by a Registered Civil Engineer, Licensed Land Surveyor, or Registered Traffic Engineer, that the intersectional sight distance is as follows:

Southerly project entrance on Hilton Head Court; 60' looking westerly and 100 feet looking easterly from said entrance, all along Hilton Head Court.

Northerly project entrance on Hilton Head Court; 90 feet looking westerly and 230 feet looking easterly from said entrance, all along Hilton Head Court.

Hilton Head Court; 370 feet looking southerly and 350 feet looking northerly from said Court, all along Hilton Head Road.

Private entrance on Hilton Head Road approximately 500 feet northerly from Hilton Head Court; 360 feet looking southerly and 350 feet looking northerly from said entrance, all along Hilton Head Road.

Private entrance on Hilton Head Road approximately 960 feet northerly from Hilton Head Court; 360 feet looking southerly and 350 feet looking northerly from said entrance, all along Hilton Head Road.

Southerly project entrance on Hilton Head Place; 210 feet looking southerly and 250 feet looking northerly from said entrance, all along Hilton Head Place.

Northerly project entrance on Hilton Head Place; 360 feet looking southerly and 185 feet looking northerly from said entrance, all along Hilton Head Place.

Hilton Head Place; 350 feet looking westerly and 350 feet looking easterly from said entrance, all along Hilton Head Road.

All of the foregoing per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards (approved June 30, 1999). "The vegetation/topography currently obstructing the sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required." All of the foregoing shall be to the satisfaction of the Director of Public Works.

- b. Prior to approval of the Final Map, improve or agree to improve and provide security for the on-site private roads with a minimum unobstructed private road width of twenty-four feet (24') of asphaltic concrete pavement over approved base. The existing pavement may remain and shall be widened with asphaltic concrete to provide a minimum constant width of twenty-four feet (24'). All distressed sections, including any distressed Portland cement concrete swales, shall be replaced. Private road grades shall be designed to drain the surface water properly per Standard Condition 11 of the "Standard Conditions for Tentative Subdivision Maps". All of the foregoing shall be to the satisfaction of the San Miguel Consolidated Fire Protection District and the Director of Public Works.
- c. Advisory note: If gated entrances are to be installed, they shall be in conformance with San Diego County Design Standards No. DS-17, DS-18, or DS-19 and to the satisfaction of the Director of Public Works.

(Drainage/Flood Control)

3. Specific Conditions:

- a. For the duration of this project-Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site.

Projects that involve areas greater than one (1) acre require that the property owner keep additional and updated information on-site concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

- b. The building site shall be safe from the flood peak of a 100-year frequency storm.
- c. The on-site private drainage system shall be privately maintained by a private maintenance mechanism such as a homeowners association or other private entity, in order to ensure perpetual maintenance. All of the foregoing to the satisfaction of the Director of Public Works.

#### FAIR HOUSING

- 4. Standard Condition 20.

#### PLANNING AND ZONING ADMINISTRATION

- 5. Specific Conditions:

- a. Because the subdivision proposes to convert existing residential structures into condominium units, the subdivider shall comply with the following conditions: [DPLU - Regulatory Planning Division]
  - (1) Submit evidence to the Department of Planning and Land Use that each of the tenants of the proposed condominium has been or will be given: (a) 180 days written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion; (b) notice of an exclusive right to contract for the purchase of their respective units upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his/her intention not to exercise the right; and (c) 10 days written notification that an application for a public report will be or has been submitted to the Department of Real Estate and that such report will be available on request.
  - (2) Submit evidence to the Director of Planning and Land Use that all 1,197 parking spaces approved under Major Use Permit P84-072 are available for use by the occupants and guests of the proposed

condominium consistent with the Parking Exhibit on file with the Department of Planning and Land Use dated October 30, 2006.

- (3) Provide an individual gas and/or electric metering system for each living unit.
- (4) Provide trash enclosures to screen trash storage areas. These areas shall be enclosed with a solid masonry wall or solid wooden fence. This wall or fence shall be a minimum of five feet high.
- (5) Bring all structures on the site into conformance with the provisions of either the 1974 State Noise Insulation Standards or more recent standards whichever is less restrictive; either the 1978 State Energy Conservation Standards for New Residential and New Non-Residential Buildings or more recent standards whichever is less restrictive; either the 1973 Uniform Building, Plumbing, and Mechanical Codes as adopted and modified by the County or more recent standards whichever is less restrictive; and either the 1975 National Electrical Code as adopted and modified by the County or more recent standards whichever is less restrictive.

Obtain a compliance survey from the following to verify that this condition has been satisfied: Licensed Electrical Engineer (electrical code compliance); Registered Mechanical Engineer (mechanical, plumbing, and noise compliance); Licensed Structural or Civil Engineer (building code and energy conservation compliance).

## DEVELOPMENT IMPACT FEES

### 6. Specific Conditions:

- a. Deposit with the County Department of Public Works \$220.00. Said deposit shall be used to cover the cost of site inspection by a County geologist to determine whether any geologic hazard exists and, if such is found, to review the geologic report prepared by the developer's engineering geologist. The developer shall reimburse the County Department of Public Works for any cost in excess of the deposit prior to recording the Final Map. Any unused portion of the deposit will be refunded.
- b. Deposit with the County Department of Public Works sufficient funds to cover the cost of inspection of the private improvements.

## FINAL MAP RECORDATION

The following requirements shall be shown on the Final Map or otherwise accomplished to the satisfaction of the Director of Public Works prior to submittal for approval by the Board of Supervisors.

## 7. Specific Conditions:

- a. Prior to approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- b. Relinquish access rights into Jamacha Road SR-54 (SF1399) to the satisfaction of the Director of Public Works.
- c. The Basis of Bearings for the Subdivision Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control stations with first order accuracy to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.811).
- d. The Subdivision Map shall be prepared to show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of first order accuracy as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

(Miscellaneous)

## 8. Standard Conditions 25, 26, 27, and 28.

## 9. Specific Conditions:

- a. A certification regarding condominium conditions shall conform to wording by County Counsel and shall indicate that there will be a maximum of 676 residential units. [DPLU - Regulatory Planning Division]

#### WAIVER AND EXCEPTIONS

Said subdivision is hereby approved pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public and Private Road Standards, and all other required Ordinances of San Diego County except for a waiver or modification of the following:

- a. Standard Condition(s) for Tentative Maps:
  - (1) Standard Condition 27.1: Said condition states that the Final Map may be filed as units or groups of units. The Final Map for this project is required to include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.
  - (2) Standard Conditions 19 (a-e): Said conditions pertain to projects for which a grading plan is required. No grading plan is required because no lot grading is proposed.

**NOTICE** - The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on October 19, 2007.

THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

ON MOTION of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, this Resolution is passed and approved by the Planning Commission of the County of San Diego, State of California, at a regular meeting held on this 19th day of October 2007, in the Department of Planning and Land Use Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California, by the following vote:

AYES:

NOES:

ABSENT:

[NOTE: Within ten days after adoption of this Resolution, these findings and conditions may be appealed in accordance with Section 81.307 of the Subdivision Ordinance to the Board of Supervisors. No Final Map shall be approved, no grading permit issues, and no building permits for model homes or other temporary uses as permitted by Section 6116 of The Zoning Ordinance shall be issued pursuant to said Tentative Map until after the expiration of the 10th day following adoption of this Resolution, or if an appeal is taken, until the Board of Supervisors has sustained the determination of this advisory body.]

PC07\10-19\TM5414-RES;jcr



October 19, 2007

RESOLUTION OF SAN DIEGO COUNTY)  
APPROVING CONDITIONS FOR )  
TENTATIVE MAP NO. TM 5414 )

WHEREAS, Tentative Map No. 5414 proposing the division of property located at 2450 Hilton Head Place and & Hilton Head Road and generally described as:

Real Property in the Unincorporated area of the County of San Diego, State of California, described as follows:

Parcel A: All of Lots 3, 4, 5, 6 and portion of Lots 7 and 8 and that portion of Jamacha Road to be vacated, as shown on that certain County of San Diego Tract 4352-1; in the County of San Diego, State of California, filed as Map No. 11040 in the Office of the County Recorder of San Diego County, September 19, 1984

Parcel B: All of Lot 9 and portion of Lots 7 and 8 as shown on that certain County of San Diego Tract 4352-1 in the County of San Diego, State of California, filed as Map No. 110040, in the Office of County Recorder of San Diego County, State of California, September 19, 1984

was filed with the County of San Diego pursuant to the Subdivision Map Act and San Diego County Subdivision Ordinance on January 22, 2007; and

WHEREAS, on October 19, 2007, the Planning Commission of the County of San Diego pursuant to Section 81.307 of the San Diego County Subdivision Ordinance held a duly advertised public hearing on said Tentative Map and received for its consideration, documentation, written and oral testimony, recommendations from all affected public agencies, and heard from all interested parties present at said hearing; and

WHEREAS, the Planning Commission of the County of San Diego has determined that the conditions hereinafter enumerated are necessary to ensure that the subdivision and the improvement thereof will comply with the Subdivision Map Act and conform to all ordinances, plans, rules, standards, and improvement and design requirements of San Diego County.

IT IS RESOLVED, THEREFORE, that the Planning Commission of the County of San Diego hereby makes the following findings as supported by the minutes, maps, exhibits, and documentation of said Tentative Map all of which are herein incorporated by reference:

1. The Tentative Map complies with the provisions of the State Subdivision Map Act and the Subdivision Ordinance of the San Diego County Code;

2. The Tentative Map is consistent with the Zoning Ordinance because it proposes a Residential use type in the RU29 Residential Urban Use Regulation;
3. The design and improvements of the proposed subdivision comply with the provisions of the State Subdivision Act and the Subdivision Ordinance of the San Diego County Code;
4. The discharge of sewage waste from the subdivision into the Otay Water District sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6;
5. It is hereby found that the proposed project is exempt from the California Environmental Quality Act as specified under Section 15162(a) of the State CEQA Guidelines for the reasons detailed in the Notice of Exemption Form dated October 3, 2007 on file with DPLU.
6. It is hereby found that the project proposed by the application has prepared plans and documentation demonstrating compliance with the provisions of the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance."

IT IS FURTHER RESOLVED, DETERMINED, AND ORDERED, that based on these findings, said Tentative Map is hereby approved subject to the following conditions:

- A. The approval of this Tentative Map expires 36 months from the date of this resolution, unless prior to that date an application for a Time Extension has been filed and subsequently approved as provided by Section 81.308 of the County Subdivision Ordinance.

**PLEASE NOTE: Condition compliance, preparation of grading and improvement plans and final mapping may take a year or more to complete. Applicants are advised to begin this process at least one year prior to expiration of this Tentative Map.**

PLEASE NOTE: Time Extension requests cannot be processed without updated project information including new Department of Environmental Health certification of septic systems. Since Department of Environmental Health review may take several months, applicants anticipating the need for Time Extensions for their projects are advised to submit applications for septic certification to the Department of Environmental Health several months prior to the expiration of their Tentative Maps.

- B. The "Standard Conditions for Tentative Subdivision Maps" approved by the Board of Supervisors on June 16, 2000, and filed with the Clerk as Resolution No. 00-199, shall be made conditions of this Tentative Map approval. Only those exceptions to the Standard Conditions set forth in this Resolution or shown on the Tentative Map will be authorized.
- C. The following conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County (and, where specifically, indicated, shall also be complied with prior to issuance of grading or other permits as specified):

## PLANS AND SPECIFICATIONS

### (Street Improvements and Access)

- 1. Standard Conditions 2, 8, and 11.
- 2. Specific Conditions:
  - a. Provide a certification by a Registered Civil Engineer, Licensed Land Surveyor, or Registered Traffic Engineer, that the intersectional sight distance is as follows:

Southerly project entrance on Hilton Head Court; 60' looking westerly and 100 feet looking easterly from said entrance, all along Hilton Head Court.

Northerly project entrance on Hilton Head Court; 90 feet looking westerly and 230 feet looking easterly from said entrance, all along Hilton Head Court.

Hilton Head Court; 370 feet looking southerly and 350 feet looking northerly from said Court, all along Hilton Head Road.

Private entrance on Hilton Head Road approximately 500 feet northerly from Hilton Head Court; 360 feet looking southerly and 350 feet looking northerly from said entrance, all along Hilton Head Road.

Private entrance on Hilton Head Road approximately 960 feet northerly from Hilton Head Court; 360 feet looking southerly and 350 feet looking northerly from said entrance, all along Hilton Head Road.

Southerly project entrance on Hilton Head Place; 210 feet looking southerly and 250 feet looking northerly from said entrance, all along Hilton Head Place.

Northerly project entrance on Hilton Head Place; 360 feet looking southerly and 185 feet looking northerly from said entrance, all along Hilton Head Place.

Hilton Head Place; 350 feet looking westerly and 350 feet looking easterly from said entrance, all along Hilton Head Road.

All of the foregoing per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards (approved June 30, 1999). "The vegetation/topography currently obstructing the sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required." All of the foregoing shall be to the satisfaction of the Director of Public Works.

- b. Prior to approval of the Final Map, improve or agree to improve and provide security for the on-site private roads with a minimum unobstructed private road width of twenty-four feet (24') of asphaltic concrete pavement over approved base. The existing pavement may remain and shall be widened with asphaltic concrete to provide a minimum constant width of twenty-four feet (24'). All distressed sections, including any distressed Portland cement concrete swales, shall be replaced. Private road grades shall be designed to drain the surface water properly per Standard Condition 11 of the "Standard Conditions for Tentative Subdivision Maps". All of the foregoing shall be to the satisfaction of the San Miguel Consolidated Fire Protection District and the Director of Public Works.
- c. Advisory note: If gated entrances are to be installed, they shall be in conformance with San Diego County Design Standards No. DS-17, DS-18, or DS-19 and to the satisfaction of the Director of Public Works.

(Drainage/Flood Control)

3. Specific Conditions:

- a. For the duration of this project-Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site.

Projects that involve areas greater than one (1) acre require that the property owner keep additional and updated information on-site concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

- b. The building site shall be safe from the flood peak of a 100-year frequency storm.
- c. The on-site private drainage system shall be privately maintained by a private maintenance mechanism such as a homeowners association or other private entity, in order to ensure perpetual maintenance. All of the foregoing to the satisfaction of the Director of Public Works.

#### FAIR HOUSING

- 4. Standard Condition 20.

#### PLANNING AND ZONING ADMINISTRATION

- 5. Specific Conditions:

- a. Because the subdivision proposes to convert existing residential structures into condominium units, the subdivider shall comply with the following conditions: [DPLU - Regulatory Planning Division]
  - (1) Submit evidence to the Department of Planning and Land Use that each of the tenants of the proposed condominium has been or will be given: (a) 180 days written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion; (b) notice of an exclusive right to contract for the purchase of their respective units upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his/her intention not to exercise the right; and (c) 10 days written notification that an application for a public report will be or has been submitted to the Department of Real Estate and that such report will be available on request.
  - (2) Submit evidence to the Director of Planning and Land Use that all 1,197 parking spaces approved under Major Use Permit P84-072 are available for use by the occupants and guests of the proposed

condominium consistent with the Parking Exhibit on file with the Department of Planning and Land Use dated October 30, 2006.

- (3) Provide an individual gas and/or electric metering system for each living unit.
- (4) Provide trash enclosures to screen trash storage areas. These areas shall be enclosed with a solid masonry wall or solid wooden fence. This wall or fence shall be a minimum of five feet high.
- (5) Bring all structures on the site into conformance with the provisions of either the 1974 State Noise Insulation Standards or more recent standards whichever is less restrictive; either the 1978 State Energy Conservation Standards for New Residential and New Non-Residential Buildings or more recent standards whichever is less restrictive; either the 1973 Uniform Building, Plumbing, and Mechanical Codes as adopted and modified by the County or more recent standards whichever is less restrictive; and either the 1975 National Electrical Code as adopted and modified by the County or more recent standards whichever is less restrictive.

Obtain a compliance survey from the following to verify that this condition has been satisfied: Licensed Electrical Engineer (electrical code compliance); Registered Mechanical Engineer (mechanical, plumbing, and noise compliance); Licensed Structural or Civil Engineer (building code and energy conservation compliance).

## DEVELOPMENT IMPACT FEES

### 6. Specific Conditions:

- a. Deposit with the County Department of Public Works \$220.00. Said deposit shall be used to cover the cost of site inspection by a County geologist to determine whether any geologic hazard exists and, if such is found, to review the geologic report prepared by the developer's engineering geologist. The developer shall reimburse the County Department of Public Works for any cost in excess of the deposit prior to recording the Final Map. Any unused portion of the deposit will be refunded.
- b. Deposit with the County Department of Public Works sufficient funds to cover the cost of inspection of the private improvements.

## FINAL MAP RECORDATION

The following requirements shall be shown on the Final Map or otherwise accomplished to the satisfaction of the Director of Public Works prior to submittal for approval by the Board of Supervisors.

## 7. Specific Conditions:

- a. Prior to approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- b. Relinquish access rights into Jamacha Road SR-54 (SF1399) to the satisfaction of the Director of Public Works.
- c. The Basis of Bearings for the Subdivision Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control stations with first order accuracy to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.811).
- d. The Subdivision Map shall be prepared to show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of first order accuracy as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

(Miscellaneous)

## 8. Standard Conditions 25, 26, 27, and 28.

## 9. Specific Conditions:

- a. A certification regarding condominium conditions shall conform to wording by County Counsel and shall indicate that there will be a maximum of 676 residential units. [DPLU - Regulatory Planning Division]

#### WAIVER AND EXCEPTIONS

Said subdivision is hereby approved pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public and Private Road Standards, and all other required Ordinances of San Diego County except for a waiver or modification of the following:

- a. Standard Condition(s) for Tentative Maps:
  - (1) Standard Condition 27.1: Said condition states that the Final Map may be filed as units or groups of units. The Final Map for this project is required to include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.
  - (2) Standard Conditions 19 (a-e): Said conditions pertain to projects for which a grading plan is required. No grading plan is required because no lot grading is proposed.

**NOTICE** - The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on October 19, 2007.

THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.



ON MOTION of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, this Resolution is passed and approved by the Planning Commission of the County of San Diego, State of California, at a regular meeting held on this 19th day of October 2007, in the Department of Planning and Land Use Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California, by the following vote:

AYES:

NOES:

ABSENT:

[NOTE: Within ten days after adoption of this Resolution, these findings and conditions may be appealed in accordance with Section 81.307 of the Subdivision Ordinance to the Board of Supervisors. No Final Map shall be approved, no grading permit issues, and no building permits for model homes or other temporary uses as permitted by Section 6116 of The Zoning Ordinance shall be issued pursuant to said Tentative Map until after the expiration of the 10th day following adoption of this Resolution, or if an appeal is taken, until the Board of Supervisors has sustained the determination of this advisory body.]

PC07\10-19\TM5414-RES;jcr

# NOTICE OF EXEMPTION

TO: Recorder/County Clerk  
Attn: Anthony J. Consul  
1600 Pacific Highway, M.S. A33  
San Diego, CA 92101

FROM: County of San Diego  
Department of Planning and Land Use, M.S. 0650  
Attn: Regulatory Planning Division Section Secretary

SUBJECT: **FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152**

Project Name: Country Hills TM (Condominium Conversion); TM 5414

Project Location: Hilton Head Place & Hilton Head Road in Valle de Oro Community Planning area within the unincorporated portion of the County of San Diego County (APN 518-211-11 & 518-211-12).

Project Applicant: ConAm San Diego Residential Properties Joint Venture

Project Description: The proposed project is a Major Subdivision to convert 676 apartment units to 676 condominium units on a 29.3-acre site within the Valle de Oro Community Planning area. The General Plan Regional category is CUDA. The General Plan Land Use Designation is (21) Specific Plan Area. The site is zoned RU29 with a density of 29 dwelling units per net acre. The site is currently served by public water and sewer. The original project was approved pursuant to Major Use Permit P84-072, which was a requirement of the Cottonwood III Specific Plan. Access to the site is from Hilton Head Road, Hilton Head Place, and Hilton Head Court.

Agency Approving Project: County of San Diego

County Contact Person: Greg Konar Telephone: (858) 495-5873

Date Form Completed: October 3, 2007

This is to advise that the County of San Diego Planning Commission has approved the above described project on October 19, 2007 (Item 7) and found the project to be exempt from the CEQA under the following criteria:

Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"): (check only one)

- ☐ Declared Emergency [C 21080(b)(3); G 15269(a)]
- ☐ Emergency Project [C 21080(b)(4); G 15269(b)(c)]
- ☐ Statutory Exemption. C Section:
- ☐ Categorical Exemption. G Section:
- ☒ G 15182 – Residential Projects Pursuant to a Specific Plan
- ☐ Activity is exempt from the CEQA because it is not a project as defined in Section 15378.
- ☐ G 15061(b)(3) - It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA.

Statement of reasons why project is exempt: The project qualifies for a CEQA Exemption under Section 15182: Residential Projects Pursuant to a Specific Plan, which states that no Environmental Impact Report (EIR) or Negative Declaration needs to be prepared for a residential project undertaken pursuant to and in conformity to a Specific Plan that has an approved EIR. This section is subject to the limitations described in Section 15162 of CEQA. According to Section 15162(a) of the State CEQA Guidelines, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following: (1) Substantial changes are proposed which will require major revisions of the previous EIR, (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR, (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous EIR was certified as complete. Review of 15162 findings determined that no change in circumstances have occurred to warrant a subsequent document.

The following is to be filled in only upon formal project approval by the appropriate County of San Diego decision-making body.

Signature: \_\_\_\_\_ Telephone: (858) 495-5873

Name (Print): Greg Konar Title: Land Use/Environmental Planner

This Notice of Exemption has been signed and filed by the County of San Diego.

This notice must be filed with the Recorder/County Clerk as soon as possible after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15062.

PC07\10-19\TM5414-NOE;jcr

## LAND USE ANALYSIS

### I. Planning/Design Issues

#### A. General Plan

##### 1. Regional Land Use Element

The project site is located within the Current Urban Development Area (CUDA) regional category of the County General Plan Regional Land Use Element. The CUDA regional category includes those County lands to which near-term urban development should be directed. In areas planned for residential densities at or above 4.3 dwelling units per gross acre, development should approach the maximum densities permitted by the applicable land use designations depicted on the community or subregional plan maps. The proposed residential subdivision is consistent with the CUDA regional category as the project density of 23.1 du/gross acre is within the maximum density of 29 du/gross acre allowed by the Community Plan and Cottonwood Village Specific Plan.

##### 2. Community Plan

The project site is within the Valle de Oro Community Plan Area and is subject to the (21) Specific Plan Use Designation. This designation is used where a Specific Plan has been adopted or must be adopted prior to development. The subject property is located in the Cottonwood Village Specific Plan area which designates the site for multi-family residential at a maximum density of 29 du/net acre.

The Valle de Oro Community Plan Housing Element contains a goal to “Support a distribution of housing by structure type, cost, design and tenure to ensure that households of all socio-economic groups are able to obtain housing within an adequate living environment.” The proposed condominium subdivision would reduce the current supply of multi-family rental housing in Valle de Oro Community and increase the supply of multi-family ownership housing. Both types of housing address the housing needs of specific, and in some cases overlapping, socio-economic groups within the community. It should be noted that the housing element goal does not provide any quantifiable standards or guidelines with which to determine how a change in housing type affects the desired distribution by structure type, cost, design and tenure. Because the project: 1) complies with the use type and density in the Cottonwood Village Specific Plan, 2) conforms to County Zoning Regulations, and 3) remains a multi-

family development, staff concludes that it is consistent with the Valle de Oro Community Plan.

B. Zoning

1. Density

The zoning for the property is RU29 (Urban Residential) which provides a maximum density of 29 du/net acre. The proposed 676-unit condominium project on a 29.3-acre site is consistent with the use and density permitted in the RU29 zone.

2. Other Development Regulations

**Building Type:** The “L” Designator allows the multi-family residential buildings. The existing apartment buildings were determined to comply with the “L” Designator under Major Use Permit P84-072.

**Height:** The “R” Designator requires the height to be determined by a Major Use Permit (or other discretionary permit) and does not place a limit on the number of stories, provided all building code requirements and floor-area ratio limitation are met. The Site Plan approved for Major Use Permit P84-072 establishes a maximum height of 35 feet and two stories. The existing apartment buildings were determined to comply with the floor area limitations under Major Use Permit P84-072. The proposed Tentative Map does not include any change to the building height. Therefore, the project is in compliance with the “R” Designator.

**Setback:** The “V” Designator allows the setback to be established during the planned development, use permit or site plan review procedure. The setbacks for the existing apartment buildings were determined during the review of Major Use Permit P84-072. The Tentative Map does not propose any change to the building setbacks. Therefore, the project is in compliance with the “V” Designator.

**Open Space:** The “F” Designator requires 100 square feet of private usable open space per dwelling unit and 150 square feet of group usable open space per unit. The existing apartment complex has approximately 76 square feet of private usable open space per dwelling unit and approximately 270 square feet of group usable open space per unit. The group usable open space includes two pools, four tennis courts and two barbeque areas serving the project. The group usable open is augmented by an approximately 10-acre County park bordering the southern property

line. The park is a designated recreational amenity of the Cottonwood Village Specific Plan.

The existing private usable open space deficit was allowed under Major Use Permit P84-072. The applicant prepared an analysis to determine the feasibility of bringing the project into compliance with the private usable open space requirements. The analysis determined that the cost of retrofitting the project would be prohibitive considering the modest gain in private useable open space. Additionally, the project provides a surplus of high amenity group usable open space which helps to offset the private useable open space deficit. It should be noted that, the open space requirement for condominiums is no different than for apartments.

Special Area Regulations: There are no special area regulations for the project site.

C. Subdivision Ordinance

1. Findings

Section 66474 of the Subdivision Map Act sets forth the grounds for disapproval of a Tentative Map. The findings required to approve the map are set forth beginning on Page 1 of the Resolution of Approval located at Attachment B of this report.

2. Design Standards

The project is consistent with all the design standards set forth in Section 81.401 of the County Subdivision Ordinance.

3. Access

Access to the proposed subdivision will be from Hilton Head Road, Hilton Head Place, and Hilton Head Court. Hilton Head Road connects to Jamacha Road (SR 54) which forms the western boundary of the project.

II. California Environmental Quality Act (CEQA)/Resource Protection Ordinance (RPO) Issues

A. CEQA

The project qualifies for a CEQA Exemption under Section 15182: Residential Projects Pursuant to a Specific Plan, which states that no Environmental Impact Report (EIR) or Negative Declaration needs to be prepared for a residential

project undertaken pursuant to and in conformity to a Specific Plan that has an approved EIR. This section is subject to the limitations described in Section 15162 of CEQA. According to Section 15162(a) of the State CEQA Guidelines, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following: (1) Substantial changes are proposed which will require major revisions of the previous EIR, (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR, (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous EIR was certified as complete. Review of 15162 findings determined that no change in circumstances have occurred to warrant a subsequent document.

B. RPO

1. Slope: The average slope for the property is less than 25 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. The project is in conformance with the RPO steep slope requirements.
2. Floodplain: The project is not within a floodway and/or floodplain fringe as defined by the RPO.
3. Density: The minimum lot size for the (21) Specific Plan Land Use Designation is not slope dependant. Therefore, an RPO slope density analysis is not required.

III. Other Issues

A. Parking

Major Use Permit P84-072 as well as approved building plans indicates that the project was approved with 1,197 parking spaces. According to the applicant, the number of on-site spaces was reduced to provide room for ADA compliant spaces—a requirement that became apparent after Major Use Permit P84-072 was approved. The current plans show 1,108 parking spaces on site and 91 spaces on-street which provides two more parking spaces than required by Major Use Permit P84-072. The existing parking deficit will be made up through the provision of 25 additional spaces.